

AO 88 (Rev. 1/94) Subpoena In a Civil Case

PROOF OF SERVICE

DATE 1/10/03

PLACE 411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905

SERVED

Jones, Gregg, Creehan & Gerace, LLP

Certified mail, return receipt requested

SERVED ON (PRINT NAME)

MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03

DATE

SIGNATURE OF SERVER

428 Boulevard of the Allies

ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

**To: JONES, GREGG, CREEHAN & GERACE, LLP
411 SEVENTH AVENUE, SUITE 1200
PITTSBURGH, PA 15219-1905
ATTN: RICHARD B. SANDOW, ESQUIRE**

DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. All documentation regarding the incorporation of **PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS.**
2. All documentation regarding the organization of **PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS** from 1999 to the present.
3. All documentation regarding the conducting of business of **PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS** from 1999 to the present.
4. All documentation regarding the management and officers of **PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS** from 1999 to the present.
5. All documentation of **PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS** regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.
6. All documentation of **PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS** regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within
MOTION FOR ORDER QUASHING SUBPOENA DIRECTED TO PSYCHOLOGY SUPPORT
SERVICES, LLC AND JONES, GREGG, CREEHAN & GERACE, LLP FOR
PRODUCTION OF DOCUMENTS was served upon the following parties, on
this 28th day of January, 2003, by First Class Mail, Postage
Prepaid:

Stanley M. Stein, Esquire
FELDSTEIN GRINBERG STEIN & MCKEE
428 Boulevard of the Allies
Pittsburgh, PA 15219
(Counsel for Plaintiff)

Brian T. Must, Esquire
Metz, Schermer & Lewis, LLC
11 Stanwix Street
Pittsburgh, PA 15222

JONES, GREGG, CREEHAN & GERACE

BY: 
JOHN P. CORCORAN, JR., ESQUIRE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,
Plaintiff,

JUDGE SCHWAB
MAGISTRATE JUDGE MITCHELL

vs.

CIVIL ACTION NO:
NO: 00-2466

SHAYEN A. GEORGE, M.A.,
Defendant,
PSYCHOLOGY SUPPORT SERVICES, LLC,
Intervenor.

ORDER OF COURT

AND NOW, this ____ day of _____, 2003, upon consideration of the Motion To Quash filed by Psychology Support Services, LLC, and argument thereon, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion to Quash is GRANTED.

BY THE COURT:

J.

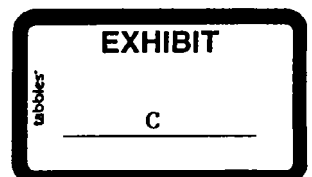
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE, : JUDGE SCHWAB
: MAGISTRATE JUDGE
Plaintiff, : MITCHELL
:
vs. : CIVIL ACTION NO:
: NO: 00-2466
SHAYEN A. GEORGE, M.A., :
:
Defendant. :
PSYCHOLOGY SUPPORT SERVICES, LLC,
Intervenor.

**MOTION FOR PROTECTIVE ORDER FILED ON BEHALF OF PSYCHOLOGY
SUPPORT SERVICES, LLC AND JONES, GREGG, CREEHAN & GERACE, LLP**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Psychology Support Services, LLC and Jones, Gregg, Creehan & Gerace, LLP by and through their undersigned counsel, Jones, Gregg, Creehan & Gerace LLP, hereby respectfully move this Honorable Court to enter a Protective Order to prevent discovery of confidential business and financial information of Psychology Support Services, LLC, and in support thereof states as follows¹:

¹ Psychology Support Services, LLC hereby incorporates its Motion for Order Quashing Subpoenas for Production of Documents and Brief in Support of Motion for Protective Order as if fully set forth at length.



1. The Plaintiff Mary L. White ("White") served subpoenas upon the following non-parties pursuant to Federal Rule of Civil Procedure 45:

- a) Psychology Support Services, LLC. (Subpoena attached hereto as Exhibit "A");
- b) Jones, Gregg, Creehan & Gerace, LLP²; (Subpoena attached hereto as Exhibit "B")

2. Psychology Support Services, LLC provides support services for Clinics providing psychological care and treatment.

3. The document requests attached to the Subpoenas directed to Psychology Support Services, LLC and Jones, Gregg Creehan & Gerace, LLP request the following documents be produced relative to Psychology Support Services, LLC:

- (1) All documentation regarding the incorporation of Psychology Support Services
- (2) All documentation regarding the organization of Psychology Support Services from 1999 to the present.
- (3) All documentation regarding the conducting of business of Psychology Support Services from 1999 to the present
- (4) All documentation regarding the management and officers of Psychology Support Services from 1999 to the present
- (5) All documentation of Psychology Support Services, LLC regarding trademark, service mark and/or copyright applications, filings and/or claims from 1999 to the present.

²White also served Subpoenas upon Professional Employee Management Services, LLC; Psych Support Systems; and Psychology Support Systems. These entities do not exist at this time. To the extent, that these were previous names registered for Psychology Support Services, LLC, all records are in the possession of Psychology Support Services, LLC.

(6) All documentation of Psychology Support Services, LLC, regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.

4. Neither Psychology Support Services LLC nor Jones, Gregg, Creehan and Gerace, LLP are parties to this action.

5. White has formed and currently operates a mental health agency known as the Family Counseling and Children's Services (hereinafter "FCCS").

6. FCCS directly competes with Associate in Counseling and Child Guidance ("ACCG") an entity to which Psychology Support Services, LLC provides support services.

7. The documents which White is requesting seek confidential commercial and proprietary information of Psychology Support Services, LLC.

8. The only purpose for seeking Psychology Support Services, LLC financial records is to use those records to benefit White's competing agency, FCCS. Indeed, the entire purpose for filing the federal lawsuit and seeking discovery of Psychology Support Services, LLC financial and commercial documents is to obtain this financial information to benefit FCCS in the marketplace.

9. The document requests seek information which is privileged and/or other protected financial matter.

10. The document request requires disclosures of confidential research, development and commercial information.

11. The Courts have the power to grant confidentiality orders over material not on file with the court that a district court retains the power to modify or lift confidentiality orders that it has entered. Seattle Times Co. v. Rhinehart, 467 U.S. 20, 33 n. 19 (1984); Pansy v. Borough of Stroudsburg, 23 F.3d 772, 784-85 (3d. Cir 1994).

12. Similarly, Fed. R. Civ. P. 26 (c)(7) permits "a party" or "person from whom discovery is sought" to move the court for a protective order and provides that "for good cause shown," the court "may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense including ... that a trade secret or other confidential research, development or commercial information not be revealed or be revealed only in a designated way ..." Thus, the power to grant confidentiality orders is not unlimited and such orders should not be granted arbitrarily. Lee v. A.R.T. Studio Clay Company, Inc. 2001 WL 503393 (E.D. Pa. 2001).

13. It has been held by the Third Circuit that "good cause" is established when it is specifically demonstrated that disclosure will cause a clearly defined and serious injury to the party seeking disclosure. Glenmede Trust Company v.

Thompson, 56 F.3d 476, 483 (3d. Cir. 1995), citing Pansy, 23 F.3d at 787-791.

14. The Third Circuit has further recognized several factors, which are neither mandatory nor exhaustive, that may be considered in evaluating whether good cause exists:

- 1) whether disclosure will violate any privacy interests;
- 2) whether the information is being sought for a legitimate purpose or for an improper purpose;
- 3) whether disclosure of the information will cause a party embarrassment;
- 4) whether confidentiality is being sought over information important to public health and safety;
- 5) whether the sharing of information among litigants will promote fairness and efficiency;
- 6) whether a party benefiting from the order of confidentiality is a public entity or official; and
- 7) whether the case involves issues important to the public.

Glenmede Trust Company v. Thompson, 56 F.3d 476, 483 (3d. Cir. 1995), citing Pansy, 23 F.3d at 787-791.

15. The documents sought are not reasonably calculated to lead to admissible evidence in this litigation. To the contrary, the financial records are being sought only for the

illegitimate purposes of giving FCCS a competitive advantage in the market place.

16. The document requests are not limited in time and seek every financial and corporate record of Psychology Support Services, LLC. Therefore, the requests are overbroad and should be stricken.

17. The records requested seek privileged attorney work-product materials, attorney/client protected materials, accountant/client privilege materials and materials prepared in anticipation of litigation in the various lawsuits between Psychology Support Services, LLC and White, which are currently before the Court of Common Pleas of Mercer County.

18. As a mental health clinic support provider, Psychology Support Services, LLC financial and business records have absolutely no relevance to the litigation between White and George.

19. The Subpoenas require disclosure of trade secrets and confidential commercial information to the public, when such information is irrelevant to the litigation.

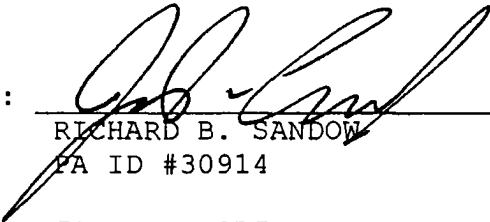
20. This Motion for Protective Order and the Motion to Quash filed contemporaneously herewith constitute objections to the Subpoenas issued pursuant to Federal Rules of Civil Procedure 45(c)(2)(B).

WHEREFORE, Psychology Support Services, LLC hereby respectfully request that this Court enter a Protective Order precluding discovery of any financial and commercial information relating to Associates in Counseling and Child Guidance, Inc.

Respectfully submitted,

JONES, GREGG, CREEHAN & GERACE, LLP

BY:



RICHARD B. SADOW
PA ID #30914

JOHN P. CORCORAN, JR.
PA ID # 74906

JONES, GREGG, CREEHAN & GERACE,
LLP
Firm #140

411 SEVENTH AVENUE, SUITE 1200
PITTSBURGH, PA 15219-1905
(412) 261-6400

COUNSEL FOR PSYCHOLOGY SUPPORT
SERVICES, LLC, AND ASSOCIATES IN
COUNSELING AND CHILD GUIDANCE,
INC.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

EXHIBIT

A

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SHAYEN A. GEORGE, M.A.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Psychology Support Services, LLC
272 East Connelly Boulevard
Sharon, PA 16146

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Exhibit "A."

PLACE

272 East Connelly Boulevard, Sharon, PA 16146

DATE AND TIME

February 7, 2003
10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

David S. Bloom

Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee
428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district number and case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE 1/10/03

PLACE 272 East Connelly Boulevard
Sharon, PA 16146

SERVED

Psychology Support Services, LLC

Certified mail, return receipt requested

SERVED ON (PRINT NAME)

MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03

DATE

SIGNATURE OF SERVER

428 Boulevard of the Allies

ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

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IN THE UNITED STATES DISTRICT COURT
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MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: **PSYCHOLOGY SUPPORT SERVICES, LLC**
272 EAST CONNELLY BLVD.
SHARON, PA 16146

DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. **All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC.**
2. **All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.**
3. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding sources of income from 1999 to the present.**
4. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.**
5. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.**
6. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.**
7. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.**

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EXHIBIT

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WESTERN

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MARY L. WHITE,

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SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

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TO: 411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905
Attention: Richard B. Sandow, Esquire

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PLACE

Jones, Gregg, Creehan & Gerace, LLP
411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905

DATE AND TIME

February 7, 2003
2:00 p.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

David S. Bloom
Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
David S. Bloom, Esquire

Feldstein, Grinberg, Stein & McKee
428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6100

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

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(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: JONES, GREGG, CREEHAN & GERACE, LLP
411 SEVENTH AVENUE, SUITE 1200
PITTSBURGH, PA 15219-1905
ATTN: RICHARD B. SANDOW, ESQUIRE

DOCUMENTS TO BE PRODUCED

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servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations. Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. **All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS.**
2. **All documentation regarding the organization of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.**
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CERTIFICATE OF SERVICE

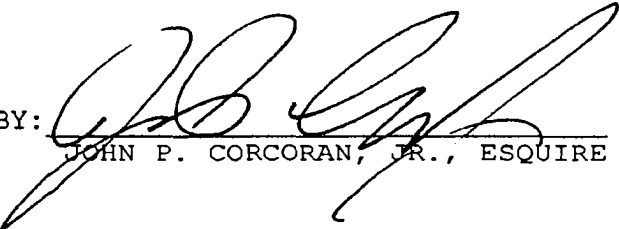
I hereby certify that a true and correct copy of the within
MOTION FOR PROTECTIVE ORDER was served upon the following
parties, on this 28th day of January, 2003 by First Class Mail,
Postage Prepaid:

STANLEY M. STEIN, ESQUIRE
FELDSTEIN GRINBERG STEIN & MCKEE
428 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15219
(COUNSEL FOR PLAINTIFF)

BRIAN T. MUST, ESQUIRE
METZ SCHERMER & LEWIS, LLC
11 STANWIX STREET
PITTSBURGH, PA 15222

JONES, GREGG, CREEHAN & GERACE, LLP

BY:


JOHN P. CORCORAN, JR., ESQUIRE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,	:	JUDGE SCHWAB
	:	MAGISTRATE JUDGE
	:	MITCHELL
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO:
	:	NO: 00-2466
SHAYEN A. GEORGE, M.A.,	:	
	:	
Defendant.	:	
	:	
PSYCHOLOGY SUPPORT SERVICES, LLC,		
Intervenor.		

ORDER OF COURT

AND NOW, this ____ day of _____, 2003, upon consideration of the Motion for Protective Order filed by Psychology Support Services, LLC, and argument thereon, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion for Protective Order is GRANTED. Discovery of financial and business information related to Psychology Support Services, LLC is not permitted.

BY THE COURT:

J.

COPY

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

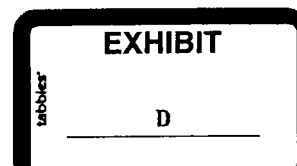
MARY L. WHITE,)	Civil Action No.: 00-CV-2466
)	
Plaintiff,)	Judge Donald E. Ziegler
)	
v.)	Magistrate Judge Mitchell
)	
SHAYEN A. GEORGE, M.A.)	MC 03-49
)	
Defendant.)	

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER
AND MOTION TO QUASH SUBPOENAS**

Defendant, Shayan A. George, M.A. ("George"), by and through his duly appointed counsel, METZ LEWIS LLC, files the following Motion for Protective Order and Motion to Quash Subpoenas pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure:

1. The Plaintiff in this case, Mary L. White ("White"), has caused five Subpoenas to be served upon a number of non-parties, all surrounding a company called Psychology Support Systems, LLC ("PSS"). A copy of those Subpoenas is attached hereto as Exhibits 1-5.¹
2. Pursuant to Federal Rule of Civil Procedure 26(c), upon motion by a party and for good cause shown, the Court may make any Order which justice requires to protect a party or a person from annoyance, embarrassment, oppression or undue burden or expense. *See* F.R.C.P. 26(c).
3. Similarly, pursuant to Federal Rule of Civil Procedure 45(c), a Court may quash or modify a subpoena to protect a person subject to or affected by the subpoena if it subjects a

¹ All of the subpoenas relate to PSS and are directed either at other versions of the PSS name, prior corporations that no longer exist, or the Jones Gregg law firm.



person to an undue burden or requires the disclosure of privileged or other protected material, trade secrets or other confidential research, development, or commercial information. See F.R.C.P 45(c).

4. While the party resisting discovery ordinarily bears the burden of establishing lack of relevancy, the party seeking discovery must also demonstrate a real and practical need for the information sought. See *Richard McCurdy v. Wedgewood Capital Management Co., Inc.*, 1998 U.S. Dist. LEXIS 18875, Civil Action No. 97-4304 (E.D. Pa. November 16, 1998); *Consolidated Rail Corp. v. United States*, 812 F.2d 1444, 1463 (3rd Cir. 1987). In this case, the Subpoena in question is designed solely to further harass George.

5. Further, given that the subpoenas are directed at non-parties, it is important to note that said non-parties are entitled to a heightened protection. *In Re: Letters Rogatory*, 144 F.R.D. 272 (E.D. Pa. 1992); *Siegel*, Practice Commentary (45-20) Duty to Avoid "Undue Burden" on Subpoenaed Person; Sanctions for Abuse, 28 U.S.C.A., Fed.R.Civ.P. 45.

6. The documents requested by the subpoenas have no relevance to this case. Plaintiff has alleged in her Complaint the existence of a purported oral agreement between her and Shayan George regarding the creation of Associates in Child Guidance, Inc. ("ACCG"), a nonprofit corporation, and its relationship with Associates in Child Guidance ("ACG"), a for profit corporation. PSS is not a party, and its only connection to this case is that it has a contract with ACCG to provide computer services. Documents relating to PSS's incorporation, organization, conducting of business, management and officers, intellectual property and advertisements, all of which are sought via the subpoenas, have no bearing on whether any such oral agreement exists or the damages arising from any alleged breach of such oral agreement.

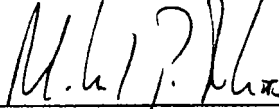
7. The Plaintiff is well aware that PSS has a contract with ACCG to provide support services for the same. Moreover, Plaintiff is well aware that George's daughter, Stacey George, is involved in PSS. Plaintiff is attempting to involve George's daughter in this litigation in an attempt to pressure and harass both her and/or George by requesting business documents of PSS.

8. Given the lack of relevance of the documents requested, Defendant George moves for a protective order and/or that the subpoenas be quashed.

WHEREFORE, for all of the foregoing reasons, Defendant Shayan A. George, M.A., respectfully moves this Court for an Order granting its Motion for Protective Order and Motion to Quash Subpoena.

Respectfully submitted,

METZ LEWIS LLC

By: 

Steven Petrikis, Esquire

Pa. I.D. No.: 34426

Michael P. Robic II, Esquire

Pa. I.D. No.: 75578

11 Stanwix Street, 18th Floor

Pittsburgh, PA 15222

(412) 918-1100

Attorneys for Defendant:

Shayan A. George, M.A.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE,

V.

SUBPOENA IN A CIVIL CASE

SHAYEN A. GEORGE, M.A.

CASE NUMBER: 00-2466

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Psych Support Systems
272 East Connelly Boulevard
Sharon, PA 16146

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents/ or objects):

See attached Exhibit "A."

PLACE

272 East Connelly Boulevard, Sharon, PA 16146

DATE AND TIME

February 7, 2003
10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee
428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 46, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE 1/10/03 PLACE 272 East Connelly Boulevard
Sharon, PA 16146

SERVED Psych Support Systems MANNER OF SERVICE Certified mail, return receipt requested

SERVED ON (PRINT NAME) David S. Bloom, Esquire ATTORNEY Attorney

SERVED BY (PRINT NAME) David S. Bloom TITLE Attorney

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03
 DATE

David S. Bloom
 SIGNATURE OF SERVER

428 Boulevard of the Allies
 ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;
 (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
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Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: PSYCH SUPPORT SYSTEMS
272 EAST CONNELLY BLVD.
SHARON, PA 16146

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WESTERN

DISTRICT OF

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MARY L. WHITE,

V.

SHAYEN A. GEORGE

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CASE NUMBER: 00-2466

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DATE AND TIME

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10:00 a.m.

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ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee
428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 46, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE 1/10/03

PLACE 272 East Connelly Boulevard
Sharon, PA 16146

SERVED

Psychology Support Systems.

Certified mail, return receipt requested

SERVED ON (PRINT NAME)

MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

1/10/03

DATE

SIGNATURE OF SERVER

428 Boulevard of the Allies
ADDRESS OF SERVER

Pittsburgh, PA 15219

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(i) fails to allow reasonable time for compliance;

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person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.

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AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE,

V.

SHAYEN A. GEORGE, M.A.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

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Jones, Gregg, Creehan & Gerace, LLP
TO: 411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905
Attention: Richard B. Sandow, Esquire

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Exhibit "A."

PLACE

Jones, Gregg, Creehan & Gerace, LLP
411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905

DATE AND TIME

February 7, 2003
2:00 p.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

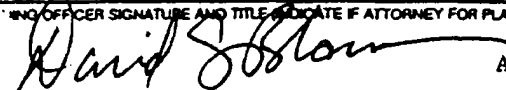
PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (DATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire

Feldstein, Grinberg, Stein & McKee

428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 46, Federal Rules of Civil Procedure, Parts C & D on Reverse)

If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

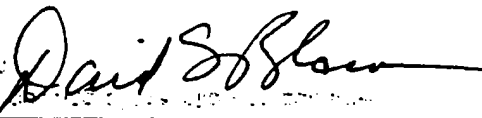
DATE 1/10/03 PLACE 411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905
 SERVED Jones, Gregg, Creehan & Gerace, LLP Certified mail; return receipt requested
 SERVED ON (PRINT NAME) MANNER OF SERVICE

David S. Bloom, Esquire Attorney
 SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03
 DATE


 SIGNATURE OF SERVER

428 Boulevard of the Allies
 ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: JONES, GREGG, CREEHAN & GERACE, LLP
411 SEVENTH AVENUE, SUITE 1200
PITTSBURGH, PA 15219-1905
ATTN: RICHARD B. SANDOW, ESQUIRE

DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. **All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS.**
2. **All documentation regarding the organization of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.**
3. **All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.**
4. **All documentation regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.**
5. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.~**
6. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.**

A-0 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SHAYEN A. GEORGE, M.A.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

TO: Professional Employee Management Services, LLC
272 East Connelly Boulevard
Sharon, PA 16146

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Exhibit "A."

PLACE

272 East Connelly Boulevard, Sharon, PA 16146

DATE AND TIME

February 7, 2002
10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

David S. Bloom

Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee
428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE 1/10/03

PLACE 272 East Connelly Boulevard
Sharon, PA 16146

SERVED

Professional Employee Management Services, LLC

Certified mail, return receipt requested

SERVED ON (PRINT NAME)

MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03

DATE



SIGNATURE OF SERVER

428 Boulevard of the Allies

ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: **PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC**
272 EAST CONNELLY BLVD.
SHARON, PA 16146

DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. **All documentation regarding the incorporation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC.**
2. **All documentation regarding the conducting of business of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC from 1999 to the present.**
3. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding sources of income from 1999 to the present.**
4. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.**
5. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding the management and officers of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC from 1999 to the present.**
6. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.**
7. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.**

AO 83 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SHAYEN A. GEORGE, M.A.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Psychology Support Services, LLC
272 East Connelly Boulevard
Sharon, PA 16146

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

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See attached Exhibit "A."

PLACE

DATE AND TIME

272 East Connelly Boulevard, Sharon, PA 16146

February 7, 2003
10:00 a.m.

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PREMISES

DATE AND TIME

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ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee
428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE 1/10/03 PLACE 272 East Connelly Boulevard
Sharon, PA 16146
 SERVED Psychology Support Services, LLC Certified mail, return receipt requested
 SERVED ON (PRINT NAME) MANNER OF SERVICE
David S. Bloom, Esquire Attorney
 SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03
 DATE


 SIGNATURE OF SERVER

428 Boulevard of the Allies
 ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: PSYCHOLOGY SUPPORT SERVICES, LLC
272 EAST CONNELLY BLVD.
SHARON, PA 16146

DOCUMENTS TO BE PRODUCED

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servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

- ✓ 1. All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC.
- ✓ 2. All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.
- ✓ 3. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding sources of income from 1999 to the present.
- ✓ 4. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.
- ✓ 5. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.
- ✓ 6. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.
- ✓ 7. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.